

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FOUNDATION AUTO HOLDINGS,  
LLC,

Plaintiff,

v.

WEBER MOTORS, FRESNO, INC., d/b/a  
BMW FRESNO, et al.,

Defendant.

Case No. 1:21-cv-00970-NONE-EPG

ORDER DENYING THE PARTIES'  
REQUESTS FOR TELEPHONIC  
APPEARANCES AS MOOT

(ECF Nos. 13, 14)

On June 18, 2021, Plaintiff Foundation Auto Holdings, LLC ("Plaintiff") commenced this action against Defendants Weber Motors, Fresno, Inc., dba BMW Fresno, CJ's Road to Lemans Corp., dba Audi Fresno and Porsche Fresno, and Christopher John Wilson ("Defendant"). On August 3, 2021, Defendants filed a motion to dismiss the complaint. (ECF No. 7.)

Currently before the Court are the parties' requests to appear telephonically at the hearing on the motion to dismiss. (ECF Nos. 13, 14.) The parties' requests were submitted to the undersigned and state that they seek to appear telephonically at the motion to dismiss hearing scheduled for September 21, 2021, at 9:30 AM in Courtroom 10. (*See* ECF Nos. 13, 14.) However, the motion to dismiss is currently pending before District Judge Dale A. Drozd. (*See* ECF No. 7.) Further, pursuant to Judge Drozd's Standing Order in Light of Judicial Emergency in the Eastern District of California, all civil motions set for hearing before Judge Drozd are decided

1 on the papers. (ECF No. 3-2.) The hearing date selected by the movant is not placed on Judge  
2 Drozd's calendar and only serves to govern the deadlines for opposition and reply briefs pursuant  
3 to Local Rule 230(c). (*Id.*) Thus, there is no need for the parties to appear at a hearing on the  
4 motion to dismiss and their requests for telephonic appearance will be denied as moot.

5 Accordingly, IT IS HEREBY ORDERED that the parties' requests for telephonic  
6 appearance (ECF Nos. 13, 14) are DENIED as moot.

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8 IT IS SO ORDERED.

9 Dated: September 15, 2021

/s/ Eric P. Groj  
10 UNITED STATES MAGISTRATE JUDGE  
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